

Minutes Merit System Board February 6, 2008

Minutes of the Merit System Board meeting held on February 6, 2008, at 2:30 p.m., in the TLC Training Room at 20 E. Sixth Street, Tempe, Arizona.

Board Members Present:

James P. Foley, Chairman
Wayne E. Hochstrasser
Dr. Russell Schoeneman

City Staff Present:

Jon O'Connor, Secretary to the Merit System Board
& Interim Human Resources Manager
M. Colleen Pacheco, Staff to the Merit System Board
& Human Resources Technician II
Andrew Ching, City Attorney

1. **Chairman Foley called the meeting to order at 2:36 p.m.**

Agenda Item 1 – Motion to Adjourn to Executive Session, if necessary, pursuant to A.R.S. §38-431.03(A) (1) and 38-431.03 (A) (3)

Motion was not made.

Agenda Item 2 – Approve Revisions to “Personnel Rules and Regulations” concerning an addition to Section 404

Resolution No. 2008.16 was distributed to members of the Merit System Board for their review, comment and approval. Jon O'Connor introduced Andrew Ching, the City Attorney, and explained that the revision the Board would be discussing today came from his office, and Mr. Ching would give the members some background information as to how this came about. Mr. Ching explained to the Board that currently, the only “Severance Agreement” regulations are in the City of Tempe’s charter code, and as stated, do not fully protect the City’s interests. Mr. Ching explained that this revision is intended to preserve what is in the current code, and to add new, protective language for the City.

Mr. Ching continued to explain that the new language is meant to protect the City, once a severance agreement has been agreed upon by all parties, by stating that these agreements “shall contain at a minimum, a full release of liability and waiver of all claims by the employee in favor of the City”. Mr. Ching also pointed out that this revision does not change the city code, merely adds protection for the City.

Board Member Hochstrasser asked Mr. Ching how long the City has used this type of severance agreements, and is there a “standard” agreement that is used? Mr. Ching answered that he believed

these had been in place since 2001, and yes, his office has a template for these types of agreements that they generally use. Board member Foley then asked about the verbiage of the current agreement- he questioned the use of the pronoun "His" when referring to the City Manager, stating that in the future, there may be a female City manager, and is this language inclusive? Mr. Ching said that yes, the masculine pronoun is meant to describe the office rather than the individual occupying that position. Mr. O'Connor pointed out that in the Rules and Regulations, it is standard language to say "his or her" instead of solely using the masculine pronoun. Mr. Ching said that it would be fine to change the verbiage to "his or her" to keep continuity of language.

CONSENSUS – Chairman James Foley requested a motion to approve Resolution No. 2008.16 with the verbiage changes of editing "The City Manager may, in his sole discretion" to "The City Manager may, in his or her sole discretion", by the Merit System Board. Board member Wayne Hochstrasser so moved. Dr. Russell Schoeneman seconded the motion and the motion carried.

Jon O'Connor thanked members of the Board for their time and attention. The revisions will now go before the Mayor and City Council for approval at their February 21, 2008, meeting. Mr. Schoeneman then called for a motion to adjourn this meeting, Chairman Foley Seconded the motion, and the meeting was then adjourned at 2:52p.m.

2. Meeting adjourned at 2:52 p.m.

Prepared by:

M. Colleen Pacheco, Human Resources Technician II,
& Staff to the Merit System Board

Reviewed by:

Jon O'Connor, Interim Human Resources Manager,
and Secretary to the Merit System Board

Authorized Signature